

REMARKS

Favorable reconsideration is respectfully requested.

The claims are 1-8. Claims 1, 5 and 6 are currently amended.

The amendments to claims 1, 5 and 6 are supported at page 11, line 12 to page 12, line 2 of the specification.

No new matter is added.

Claim Rejections - 35 USC § 102

Claims 1-8 are rejected under 35 USC § 102(b) as being anticipated by Saito et al. (EP 1364585A1).

Applicants respectfully traverse this rejection.

The present invention is directed to an acidic protein food or drink which comprises one or more salts or saccharides which are selected from the group consisting of neutral or acidic water-soluble polysaccharides, water-soluble basic salts, alkali metal salts of organic acids, basic monosaccharides and basic oligosaccharides, and acidic-soluble protein. See claim 1.

The present invention also includes a powder material comprising an acidic-soluble protein material and an acidic-soluble protein material, comprising one or more of salts or saccharides selected from the group consisting of neutral or acidic water-soluble polysaccharides, water-soluble basic salts, alkali metal salts of organic acids, basic monosaccharides and basic oligosaccharides. See claims 5 and 6.

Saito et al. discloses a soybean protein material which includes chitosan. As the Examiner points out on page 2 of the Official Action, chitosan is a polymer of glucosamines and a basic water-soluble polysaccharide. However, a basic water-soluble polysaccharide is not

encompassed by claim 1 as currently amended, and Saito et al. therefore does not disclose or suggest the present invention.

As discussed on page 11, lines 14-16, of the present specification, neutral or acidic water-soluble polysaccharides have less reactivity with protein and are preferable due to their low influence on the transparency and stability of the food or drink. Saito et al. does not disclose the use of neutral or acidic water-soluble polysaccharides as presently claimed.

Accordingly, all of the features of claims 1-8 are not disclosed or suggested by Saito et al. and this rejection is overcome.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposal for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

Kyoko ISHIMOTO et al.

By J. Mark Konieczny
J. Mark Konieczny
Registration No. 47,715
Attorney for Applicants

JMK/akl
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 15, 2009